

REMARKS

Claims 1-29 are pending in the application.

Claims 8-26 have been withdrawn from consideration.

Claims 1-7 and 27-29 are rejected.

Claims 1, 3, 27 and 28 are amended. Claim 2 is cancelled. Claim 30 is added. No new matter is added.

Claim Rejections - 35 U.S.C. §102 (b)

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,545,329 to Johnston, Jr. ("Johnston"). The rejection is respectfully traversed.

Claim 1 as amended recites that at least one of the obstacles is structured to cause a ball to bank around a corner and that the obstacles are temporarily affixed to the playing field. FIGS. 4A-3C of the present application show banked corner obstacle 32 which is temporarily affixed to a playing field with stakes 36.

Johnston does not disclose an obstacle structured to cause a ball to bank around a corner and does not disclose any way for the game pieces to be temporarily affixed to a playing field. Thus, Johnston fails to disclose each and every element of amended independent claim 1. Therefore, claim 1 is believed to be allowable over Johnston and allowance is respectfully requested.

Claim Rejections - 35 U.S.C. §103 (a)

Claims 2-4, 6, and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnston in view of U.S. Patent No. 2,974,958 to O'Herron ("O'Herron"). The rejections are respectfully traversed.

Claim 2 is cancelled. Claims 3, 4, 6 and 7 all depend from amended independent claim 1 and, thus, necessarily include all of the limitations of the independent claim. O'Herron does not disclose a banked corner obstacle. The addition of O'Herron to Johnston fails to disclose each and every element of amended independent claim 1. Therefore, the combination of Johnston and O'Herron does not disclose each and every element of the dependent claims 3, 4, 6 and 7.

Thus, for at least the reasons given for amended independent claim 1, claims 3, 4, 6 and 7 are believed to be allowable over the combination of Johnston and O'Herron and allowance is respectfully requested.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the art as applied to claim 4 above, and further in view of U.S. Patent No. 172,685 to Angell ("Angell"). The rejection is respectfully traversed.

Claim 5 depends from amended independent claim 1 and necessarily includes all of the limitations of claim 1. The addition of Angell fails to cure the deficiencies of Johnston and O'Herron with respect to claim 1 because Angell also does not disclose a banked corner obstacle.

Therefore, for at least the same reasons given for claim 1, claim 5 is believed to be allowable over the combination of Johnston, O'Herron and Angell and allowance is respectfully requested.

Claims 27-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 1,870,536 to Vaccaro, Jr. ("Vaccaro") in view of O'Herron and U.S. Patent No. D83,501 to Carter ("Carter"). The rejections are respectfully traversed.

Independent claim 27 is amended to clarify that each of the obstacles in the croquet obstacle set is structured to be temporarily securable to a playing surface. Specifically looking at FIGS. 3A-B and FIGS. 4A-C in the present application, obstacles 30 and 32 are structured to utilize stakes 36 to temporarily secure the obstacles to a playing surface. Claim 27 also includes an obstacle that is structured to cause a croquet ball to travel in a helical loop and an obstacle that causes a croquet ball to bank around a curve.

As noted, Vaccaro does not disclose an obstacle that cause a croquet ball to to bank around a curve and Vaccaro does not disclose an obstacle that causes a ball to follow a helical path. Carter and O'Herron are cited as disclosing a helical obstacle and banking obstacle, respectively.

O'Herron discloses in FIGS. 1 and 2 deflector plates 31 and 33 that are structured to horizontally deflect a croquet ball along curved vertical surfaces. Deflector plates 31 and 33 do not *bank* a croquet ball around a curve. To bank a ball around a curve, an obstacle needs cause the ball to follow a banked curve such as shown in FIGS. 4A-C of the present application and explained in the paragraph starting on page 7 at line 15.

The Carter design patent discloses only the ornamental design of a miniature golf course unit that includes a helical pathway for a golf ball. Carter does not disclose or enable how one of skill in the art would alter the helical pathway to accommodate the larger size and weight of a croquet ball. Carter also does not disclose or enable how one of ordinary skill in the art would satisfactorily temporarily secure the helical pathway to a playing field. In fact,

because it is only a design patent, Carter does not disclose at all how the helical pathway is secured. Considering that Carter is disclosing a miniature golf course unit, one of ordinary skill in the art could assume that the helical pathway is permanently secured to the miniature golf course putting green. (Looking back at amended independent claim 1, Carter also does not disclose or enable one to temporarily affix a helical obstacle to a playing field).

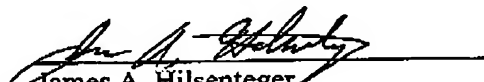
Therefore, the combination of Vaccaro, Carter and O'Herron fails to disclose an obstacle structured to be temporarily secureable to a playing surface and structured to cause a croquet ball to follow a helical path. And, the combination does not disclose an obstacle structured to cause a croquet ball to bank around a curve. Thus, the combination of the Vaccaro, Carter and O'Herron fails to disclose each and every element of amended independent claim 27. Therefore, claim 27 is believed to be allowable over the combination of Vaccaro, Carter and O'Herron and allowance is respectfully requested.

Claims 28 and 29 depend from amended independent claim 27, and for at least the same reasons given for claim 27, these claims are believed to be allowable and allowance is respectfully requested.

For the foregoing reasons, reconsideration and allowance of claims 1, 3-7 and 27-29 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.


James A. Hilsenteger
Reg. No. 53,023

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
503-222-3613
Customer No. 20575